

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)
OF AMERICA)
)
)
)
V.)
)
MATTHEW MARSH,)
Defendant,)
_____)

CRIMINAL NO. 05CR 40025 FDS

MOTION TO COMPEL TRANSCRIPTS

The Defendant, by and through his undersigned attorney, respectfully moves this Honorable Court to compel court reporter Timothy Willett to produce the transcript of the change of plea hearing that occurred on March 25, 1996 and sentencing hearing that occurred on September 6, 1996 in the Defendant's prior 1995 Federal Court Case, docket number 95-CR-10244.

The defendant further requests that this Court order that the Clerk of the Federal District Court provide a certified copy of this motion to defense counsel.

In support of the above I, Alan J. Black, state the following:

1. I was appointed to represent Mr. Marsh in this matter;
2. In preparation of this case, counsel has determined that these costs are necessary.
3. The prior guilty plea in Mr. Marsh's Boston Federal Court case is creating a ten-year mandatory sentence in the above captioned case.
4. I am requesting these transcripts to determine whether the guilty plea entered by the defendant in this 1995 case was constitutionally valid.
5. If I determine after reviewing the transcripts that the plea was not constitutionally valid then I plan to attack this plea.

6. Timothy Willett was the court reporter assigned to the court for both the change of plea hearing and the sentencing hearing in this case.
7. I have been provided with only a forwarding phone number, 612-664-5108, for Mr. Willett.
8. I have left several messages for Mr. Willett in an attempt to get these transcripts to no avail.
9. I am asking for assistance from the court in obtaining these transcripts.
10. The Defendant is currently being held at the Plymouth County House of Correction.
11. The defendant contends that the funds he is requesting are reasonably necessary in order to assure that he is able to have as effective a defense as he would have if he were financially able to pay to assure his rights to effective assistance of counsel and to present a defense as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution.

The above is true to the best of my information and belief and is signed under the pains and penalties of perjury.

Respectfully Submitted,
By: /s/ Alan J. Black
ALAN JAY BLACK, His Attorney
1383 Main Street
Springfield, MA 01103
(413) 732-5381
BBO# 553768

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the Assistant United States Attorney, Lisa Asiaf on this 15th day of September 2006.

/s/ Alan J. Black

